

In re Patent Application of:  
XAO  
Serial No. 10/736,859  
Filed: 12/16/2003

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REMARKS

Claims 1 to 18 are currently pending and are subject to a restriction and/or election requirement to elect a single disclosed species for prosecution.

The Office Action states that the application contains claims directed to the following patentably distinct species of the claimed invention:

Species I. Fig. 1 (p-i-n)

Species II Fig. 2 (avalanche)

Since the applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable, the applicant elects Species I, Fig. 1 (p-i-n) with traverse.

Claim 1 defines having at least a p-doped light absorption layer OR an n-doped light absorption layer.

The preferred embodiment shown in Fig. 1 has both a p-doped and an n-doped absorption layer. Fig. 2 has only one doped absorption layer.

Claim 1 covers both Figs 1 and Fig. 2 and is believed to be generic.

Notwithstanding, in accordance with the requirements of this Office Action, Applicant elects species I disclosed in

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Figure 1, with traverse. Applicant believes claims 1 to 13, and 16 to 18 are readable thereon, and accordingly withdraws claims 14 to 15 from consideration at this time.

As such, it is respectfully submitted that all of the claims remaining in the application are in condition for allowance. Early and favorable consideration would be appreciated.

Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 50-1465 and please credit any excess fees to such deposit account.

Respectfully submitted,



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NT/ara

CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY that the foregoing correspondence has been forwarded via facsimile number 571-273-8300 to the COMMISSIONER FOR PATENTS, this 18 day of July 2005.

LLove